

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

IN THE MATTER OF THE SEARCH OF:

INFORMATION ASSOCIATED WITH THE
ACCOUNT IDENTIFIED AS
“THE.OUTDOOR.SPARTAN@GMAIL.COM”,
THAT IS NOW STORED AT THE PREMISES
CONTROLLED BY GOOGLE, LLC.

Case No. 1:21-mj-526

Filed Under Seal

**APPLICATION FOR ORDER COMMANDING GOOGLE, LLC, NOT TO NOTIFY
ANY PERSON OF THE EXISTENCE OF THE SUMMONS**

The United States requests that the Court order Google, LLC, not to notify any person (including the subscribers and customers of the account(s) listed in the warrant) of the existence of the attached DHS Summons until further order of the Court.

Google, LLC, is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computer service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached DHS Summons, which requires Google, LLC, to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” Id.

In this case, such an order would be appropriate because the attached warrant relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the attached warrant will seriously jeopardize the investigation or unduly delay a trial, including by giving targets an opportunity to

flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, intimidate potential witnesses, or endanger the life or physical safety of an individual.

See 18 U.S.C. § 2705(b). Some of the evidence in this investigation is stored electronically. If alerted to the existence of the warrant/subpoena/court order, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing Google, LLC, not to disclose the existence or content of the attached DHS Summons until this case is unsealed, except that Google, LLC, may disclose the attached DHS Summons to an attorney for Google, LLC, for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed until June 14, 2022, or until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Executed on December 16, 2021.

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